

REMARKS

Claims 1-29 are pending after entry of this paper. Claims 1-29 have been subjected to a restriction requirement.

Claims 1-2, 5-8, and 10-28 have been amended. Support may be found throughout the instant specification and the claims as originally filed. Support for the amendments to claims 1 and 19 may be found throughout the instant specification, for example, at page 11, lines 12-14.

No new matter has been introduced by these amendments. Reconsideration and withdrawal of the pending rejections in view of the above claim amendments and below remarks are respectfully requested.

Examiner's Restriction Requirement and Provisional Election

The Examiner has required restriction of claims 1-29 under 35 U.S.C. §§121 and 372. The Examiner has outlined two groups which allegedly fail to form a single general inventive concept under PCT Rule 13.1. Specifically, the Examiner has outlined the following groups:

- Group I (claims 1-18) drawn to a method for the heat treatment of solids containing iron oxide.
- Group II (claims 19-29) drawn to a plant for the heat treatment of solids containing iron oxide.

Applicants provisionally elect to prosecute **Group I** encompassing claims 1-18.

Applicants make this election **with traverse**.

Traversal of Restriction Requirement

The Examiner contends that Groups I and II do not relate to a single general inventive concept because they allegedly lack the same or corresponding special technical features. Specifically, the Examiner contends that a review of U.S. Patent No. 3,578,798 to Lapple et al. ("Lapple") and/or U.S. Patent No. 2,607,666 to Martin ("Martin") "makes clear that the claimed special technical feature...is not novel and non-obvious over the prior art" (page 3 of the Office Action). Applicants respectfully disagree with the Examiner's contention that the claimed special technical feature is not novel and non-obvious over the prior art, for the reasons set forth below.

Lapple is directed to an annular fluidized bed reactor for the thermal treatment of a granular or particle-form material (col. 1, lines 65-70). The fluidized bed reactor contains an upright centrally positioned tabular sleeve **14** (col. 1, lines 73-75). According to Lapple:

the fluidized bed materials discharged into the tube **14** are entrained by the combustion gases passing upwardly therethrough and are discharged with the gases into the freeboard space **37** in the upper portion of the vessel above the upper end **16** of the tube. (col. 2, lines 48-53)

Lapple is clear that fluidized bed materials are discharged into the tube through passages **36** formed below the upper end **16** of the tube:

In addition, the lower portion of the fluidized bed **33** is provided with a plurality of tangentially arranged passages **36** in the tube **14**, as shown in FIGS. 1 and 2. The passages **36** discharge particle-form materials from the fluidized bed **33** into the tube **14**, spiraling upwardly therethrough. (col. 2, lines 43-48)

Lapple discloses a reactor in which the solids enter the tube by means of passages **36** below the upper orifice of the tube. In contrast, amended claims 1 and 19 both require that the solids are entrained by gas flowing through the at least one gas supply tube when passing through the upper orifice region of the at least one gas supply tube.

Thus, in view of the fact that Lapple does not disclose the above-mentioned element recited in both amended claim 1 and amended claim 19, applicants respectfully assert that the invention as claimed is novel and non-obvious over Lapple.

Martin is directed to an apparatus for treating carbonaceous solids, such as coal. The solids are maintained in chamber **10** as a fluidized bed **20** which is fluidized by upwardly flowing fluidizing gas (col. 3, lines 57-61). The fluidizing gas is introduced through perforated tubes **16** located above plate **12** near the bottom of the fluidized bed **20** (col. 3, lines 67-71). The plate **12** contains orifices **14** (col. 3, lines 63-66) through which coal particles may pass into a lower zone **25** of chamber **10** (col. 4, lines 5-6), below the fluidized bed **20** and the combustion zone **30** (col. 3, lines 65-67). Air and/or oxygen required for combustion is introduced through line **5** directly into combustion zone **30** at a high velocity in order to force coal particles into and through the combustion zone **30** (col. 4, lines 11-18).

Amended claim 1 and amended claim 19 both require “at least one gas supply tube [being] at least partly surrounded by a stationary annular fluidized bed.” In contrast, Martin discloses a gas supply tube (line 5) that is well below the fluidized bed 20. Furthermore, the invention as claimed requires that “the gas flowing through the at least one gas supply tube entrains solids from the stationary fluidized bed into the mixing chamber when passing through

the upper orifice region of the at least one gas supply tube.” In contrast, Martin discloses that the solids are forced upwards from lower zone 25 (below fluidized bed 20) into combustion zone 30.

Thus, in view of the fact that Martin does not disclose the above-mentioned element recited in both amended claim 1 and amended claim 19, applicants respectfully assert that the invention as claimed is novel and non-obvious over Martin.

Applicants therefore request withdrawal of the restriction requirement under 35 U.S.C. §§121 and 372 for lack of unity of invention.

Dependent Claims

The applicants have not independently addressed all of the dependent claims. The applicants submit that for at least similar reasons as to why independent claims 1 and 19 from which all of the dependent claims 2-18 and 20-29 depend are believed to be novel and non-obvious over the prior art as discussed *supra*, the dependent claims are also novel and non-obvious.

Thus, applicants respectfully submit that the invention as recited in the claims as presented herein is allowable over the art of record, and respectfully request that the respective rejections be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, the applicant respectfully requests reconsideration and withdrawal of the election requirement of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4791-4009.

Applicants believe this paper to be timely filed. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4791-4009.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

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By: /Andrew D. Cohen/
Andrew D. Cohen
Registration No. 61,508

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile